

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

LOIS WARE,

Plaintiff,

v.

**MICHAEL HIGDON, STERETT
EQUIPMENT COMPANY LLC, and
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA,**

Defendants.

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) **CIVIL ACTION NO. 5:15-CV-79 (MTT)**
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ORDER

Defendants Michael Higdon, Sterett Equipment Company LLC, and Travelers Property Casualty Company of America removed this case from the State Court of Bibb County on March 10, 2015. (Doc. 1). Pursuant to 28 U.S.C. § 1441(a), a defendant may remove “any civil action brought in a State court of which the district courts of the United States have original jurisdiction ... to the district court of the United States for the district and division embracing the place where such action is pending.” If removal is based on the initial pleading, the defendant must file the notice of removal within 30 days of service of the initial pleading. 28 U.S.C. § 1446(b)(1). “For removal to be proper, the removing party must establish federal subject matter jurisdiction at the time the notice of removal is filed.” *Cross v. Wal-Mart Stores, E., LP*, 2011 WL 976414, at *1 (M.D. Ga.) (citing *Leonard v. Enterprise Rent-A-Car*, 279 F.3d 967, 972 (11th Cir. 2002)). The party seeking removal bears the burden of establishing federal jurisdiction. *Pretka v. Kolter City Plaza II, Inc.*, 608 F.3d 744, 752 (11th Cir. 2010) (citations omitted).

The asserted basis for this Court's jurisdiction is diversity jurisdiction, which exists if the opposing parties are citizens of different states and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332. In their notice of removal, the Defendants state that "Defendant Sterett is a foreign corporation formed under the laws of Indiana, with principal place of business there." (Doc. 1, ¶ 2). However, because Sterett Equipment Company LLC is a limited liability company, it is a citizen of each state in which one of its members is a citizen for diversity jurisdiction purposes. *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020, 1022 (11th Cir. 2004); *Kilgore v. Acad. Ltd.*, ___F. Supp. 3d ___, 2015 WL 520196 (M.D. Ga.). Therefore, the Defendants are **ORDERED** to amend their notice of removal to properly allege Defendant Sterett Equipment Company LLC's citizenship within **14 days**.

SO ORDERED, this 13th day of March, 2015.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT